

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 158225

41

ORIGIN L-03

INFO OCT-01 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

EB-11 INR-10 NSAE-00 RSC-01 FAA-00 DOTE-00 SS-15

NSC-10 IO-13 OIC-04 PA-03 PRS-01 USIA-15 H-03 M-03

A-01 SY-10 USSS-00 AID-20 TRSE-00 JUSE-00 OMB-01

SCA-01 AF-10 ARA-16 EA-11 NEA-10 /207 R

DRAFTED BY L/AF:BKHUFFMAN:MMP

8/9/73 EXT 23736

APPROVED BY L/AF:BKHUFFMAN:

EB/OA/AVP:DORTMAN

DOT/OST/GC:PLARSEN (SUBS.)

IO/TRC:CGRIP - EUR/WE:RVINE

CAB:MR.SCHWARZKOPH (SUBS.)

L/EB:FWILLIS - EUR/NE:SPDAWKINS

AALPA:MR.BERK (SUBS.)

FAA/GC:BSELFON (SUBS.)

EUR/SOV:CBRYANT

----- 056514

R 101610Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY STOCKHOLM

AMEMBASSY OTTAWA

AMEMBASSY MOSCOW

AMEMBASSY COPENHAGEN

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY BERN

AMEMBASSY HELSINKI

INFO ALL DIPLOMATIC POSTS

LIMITED OFFICIAL USE STATE 158225

E.O. 11652: N/A

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 158225

TAGS: ETRN, SW

SUBJECT: CIVAIR: ICAO EXTRAORDINARY ASSEMBLY/DIPLOMATIC
CONFERENCE, ROME, AUGUST 28 - SEPTEMBER 21, 1973
REF: STOCKHOLM 2696

1. REFTEL REPORTED SWEDISH GOVERNMENT'S REQUEST FOR USG
VIEWS ON UK/FRENCH/SWISS PROPOSAL TO ALTER RULES OF
PROCEDURE FOR ADOPTING CONVENTIONS AT ROME DIPLOMATIC
CONFERENCE. FOLLOWING IS GUIDANCE FOR ACTION ADDRESSEES
AND FOR OTHER CAPITALS AS APPROPRIATE SHOULD HOST
GOVERNMENTS INQUIRE REGARDING US POSITION ON THIS PROCEDURAL
ISSUE.

2. RULE 20, (1) OF THE PROVISIONAL RULES OF PROCEDURE OF
THE CONFERENCE DISTRIBUTED BY THE ICAO SECRETARIAT (CAS
DOCUMENT NO. 3) PROVIDES THAT THE "DECISIONS OF THE
CONFERENCE ON ALL MATTERS OF SUBSTANCE SHALL BE TAKEN BY A
TWO-THIRDS MAJORITY OF THE REPRESENTATIVES PRESENT AND
VOTING.- HOWEVER, RULE 20(4) ADDS THAT "FOR THE PURPOSE
OF THESE RULES, THE PHRASE 'REPRESENTATIVES PRESENT AND
VOTING' MEANS REPRESENTATIVES PRESENT AND CASTING AN
AFFIRMATIVE OR NEGATIVE VOTE. REPRESENTATIVES WHO ABSTAIN
FROM VOTING SHALL BE CONSIDERED AS NOT VOTING."

3. FRANCE/SWITZERLAND/UK HAVE FORMALLY PROPOSED THAT
RULE 20(A) BE ADDED TO RULES OF PROCEDURE IN FOLLOWING
TERMS: "ANY DRAFT CONVENTION SHALL BE ADOPTED BY A
TWO-THIRDS MAJORITY OF THE TOTAL NUMBER OF STATES
REPRESENTED AT THE CONFERENCE. THE PROVISIONS OF THIS RULE
SHALL PREVAIL OVER THOSE OF RULE 20." (CONTRARY TO
SWEDISH UNDERSTANDING FOREGOING PROPOSAL DOES NOT EXTEND
TO VOTES ON PROCEDURAL MATTERS.)

4. THE USG BELIEVES THAT THIS IS AN EXTREME PROPOSAL
WHICH COULD GENERATE PROTRACTED PROCEDURAL DISCUSSIONS AT
THE EXPENSE OF SUBSTANTIVE NEGOTIATIONS AND COULD
JEOPARDIZE THE CHANCES FOR POSITIVE ACTION BY THE
DIPLOMATIC CONFERENCE. MOREOVER, THE PRESENT RULE HAS BEEN
APPROVED AND USED AT EVERY RECENT DIPLOMATIC CONFERENCE
UNDER THE AUSPICES OF THE UNITED NATIONS INCLUDING THE
CONFERENCES WHICH ADOPTED THE HAGUE HIJACKING AND MONTREAL
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 158225

SABOTAGE CONVENTIONS. IT WAS PROMULGATED BY THE U.N. IN
THEIR RULES OF PROCEDURE AND AN ALTERATION IN ICAO COULD
SET AN UNFORTUNATE PRECEDENT IN MANY OTHER INTERNATIONAL
FORA WHICH COULD IMPEDE THE DEVELOPMENT OF INTERNATIONAL
LAW IN MANY OTHER FIELDS.

5. ONE OF EXPLANATIONS FOR PROPOSED CHANGE BY ITS
PROPONENTS IS ALLEGED DESIRE TO EXPOSE THE PROPOSALS

BEFORE THE DIPLOMATIC CONFERENCE (I.E. NORDIC AND SOVIET) TO THE SAME RISKS AS THE UK/FRENCH/SWISS AMENDMENT PROPOSALS BEFORE THE ICAO EXTRAORDINARY ASSEMBLY. UNDER THE CHICAGO CONVENTION, AMENDMENTS TO THE CONVENTION MUST BE APPROVED BY TWO-THIRDS THE PARTIES ATTENDING AN ICAO ASSEMBLY. SINCE AS DESCRIBED IN U.S. AIDE MEMOIRE PROPOSALS BEFORE CONFERENCE AND ASSEMBLY ARE NOT MUTUALLY EXCLUSIVE. WE DO NOT BELIEVE VALID PURPOSE IS SERVED BY SUBSTANTIALLY INCREASING DIFFICULTY TO ADOPT PROPOSALS BEFORE CONFERENCE.

6. IN ADDITION, EQUAL RISK ARGUMENT IGNORES FACT THAT CHICAGO CONVENTION IS ANALOGOUS TO CONSTITUTION OF INTERNATIONAL CIVIL AVIATION COMMUNITY AND BURDENSOME REQUIREMENTS FOR AMENDING IT REFLECT THE UNIQUE CHARACTER OF THAT INSTRUMENT. IT WOULD BE MISTAKE IN OUR VIEW TO EXTEND THESE RULES OUTSIDE AN ICAO ASSEMBLY JUST BECAUSE THE ASSEMBLY HAPPENS TO COINCIDE WITH A DIPLOMATIC CONFERENCE. WHILE THE SPECIAL NATURE OF CHICAGO CONVENTION MAY REQUIRE THAT AN ABSTENTION EFFECTIVELY CONSTITUTE A NEGATIVE VOTE, NO USEFUL PURPOSE WILL BE SERVED BY TERMINATING THE TRADITIONAL RIGHT OF A PARTICIPANT IN A DIPLOMATIC CONFERENCE TO EFFECTIVELY ABSTAIN FROM VOTING ON THE FINAL PRODUCT OF THE CONFERENCE.

7. ANOTHER PURPOSE OF PROPOSED RULE CHANGE ACCORDING TO UK/FRENCH REPS WITH WHOM WE HAVE CONSULTED IS TO ENSURE BROAD ACCEPTANCE OF INDEPENDENT CONVENTION. THEUSG OBSERVES, HOWEVER, THAT IF THE CONFERENCE DESIRES THE CONVENTION TO BE BROADLY ACCEPTED, THIS MIGHT BE ACCOMPLISHED THROUGH A PROVISION IN THE CONVENTION REGARDING THE NUMBER OF RATIFICATIONS NECESSARY FOR ITS ENTRY INTO FORCE. SUCH ACTION WOULD NOT JEOPARDIZE CHANCES LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 158225

FOR ADOPTION OF CONVENTION AT ROME AND MIGHT PROVIDE A MEANS FOR AVOIDING AN UNPRODUCTIVE CONFRONTATION EARLY IN THE ROME PROCEEDINGS OVER THIS PROCEDURAL ISSUE.

8. FOR COPENHAGEN, HELSINKI, OTTAWA, STOCKHOLM: PLEASE HAVE SUBSTANCE PARAS 2-7 PASSED RESPECTIVELY TO LORENZ PETERSEN, KETOKOSKI, DAVID MILLER, AND DANIELIUS.

9. FOR MOSCOW: PLEASE PASS SUBSTANCE PARAS 2-7 TO P.N. YEVSEYEV AND INDICATE THAT IN OUR VIEW (A) THIS IS CLEARLY ISSUE UPON WHICH SOVIETS INTERESTS ARE DIRECTLY ENGAGED, AND (B) OUTCOME OF PROCEDURAL VOTE ON THIS ISSUE, WHICH WILL OCCUR AT EARLY DATE IN PROCEEDINGS, WILL IN LARGE PART BE FACTOR OF SOVIET EFFORTS IN ROME.

10. FOR LONDON, PARIS, BERN: LEAVE TO YOUR DISCRETION
THE DESIRABILITY OF PASSING FOREGOING ALONG AT YOUR
INITIATIVE TO APPROPRIATE OFFICIALS IN FORM YOU REGARD
SUITABLE. IF PASSED ALONG, OBVIOUSLY CONTENTS PARA 7
SHOULD BE STRESSED. ROGERS

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, MEETINGS, DIPLOMATIC DISCUSSIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 10 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE158225
Document Source: CORE
Document Unique ID: 00
Drafter: BKHUFFMAN:MMP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730845/aaaabgpd.tel
Line Count: 174
Locator: TEXT ON-LINE
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: STOCKHOLM 2696
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 07 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07-Sep-2001 by thigpegh>; APPROVED <11-Dec-2001 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: ICAO EXTRAORDINARY ASSEMBLY/DIPLOMATIC CONFERENCE, ROME, AUGUST 28 - SEPTEMBER 21, 1973
TAGS: ETRN, SW, ICAO
To: STOCKHOLM MULTIPLE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005